



4910-06-P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Petition for Waiver of Compliance

[Docket Number FRA-2017-0087]

Under part 211 of Title 49 Code of Federal Regulations (CFR), this provides the public notice that on August 10, 2017, the Fort Worth Transportation Authority (FWTA) on behalf of TexRail Commuter Railroad (TEXR) petitioned the Federal Railroad Administration (FRA) for a waiver of compliance from certain provisions of the Federal railroad safety regulations for the purchase of eight new trainsets from Stadler Bussnang AG (Stadler). Specifically, TEXR is requesting relief from 49 CFR part 229, Railroad Locomotive Safety Standards (§ 229.47); 49 CFR part 231, Railroad Safety Appliance Standards (§§ 231.14(a)(2), (b)-(d), (f), (g)); and 49 CFR part 238, Passenger Equipment Safety Standards (§ 238.305). FRA assigned the petition docket number FRA-2017-0087.

The TexRail commuter rail system consists of a single rail line, running from Fort Worth, Texas, to the Dallas-Fort Worth International Airport (DFW), a distance of 27-miles, with 9 stations. Service is scheduled to begin in December 2018.

TexRail will purchase eight new FLIRT Diesel Multiple Unit (DMU) trainsets manufactured by Stadler in Salt Lake City, Utah. The delivery of vehicles is expected to begin in October 2017 and end in May 2018. TexRail asserts that the FLIRT trainset is a service-proven design built to European design standards. It was first delivered to European customers in 2004. There are approximately 1,100 FLIRT trainsets in

operation worldwide. TexRail vehicles will be the first FLIRT models in the United States. The new vehicles are designed and built to current European design and regulatory standards, which differ in several areas from current U.S. design standards and regulations. TexRail believes that the design characteristics of the Stadler FLIRT vehicles provide an equivalent or higher level of safety and security to the passengers and crew.

TexRail has organized its regulatory compliance efforts into two distinct but related parts: Part 1 represents the “base” compliance assessment effort (this petition) and Part 2 represents a separate petition to utilize Alternative Vehicle Technology crashworthiness technology as outlined in “Technical Criteria and Procedures for Evaluating the Crashworthiness and Occupant Protection Performance of Alternately-Designed Passenger Rail Equipment for Use in Tier I Service” and the recent notice of proposed rulemaking (NPRM) on Passenger Equipment Safety Standards; Standards for Alternative Compliance and High-Speed Trainsets (81 FR 88006, December 6, 2016). Noting that certain provisions in 49 CFR part 231 pertaining to safety appliances are statutorily required, and therefore not subject to FRA’s waiver authority, TEXR also requested that FRA exercise its authority under 49 U.S.C. § 20306 to exempt TEXR from certain provisions of Chapter 203, Title 49 of the United States Code because the FLIRT DMU vehicles will be equipped with their own array of safety devices resulting in equivalent safety.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at www.regulations.gov and in person at the U.S. Department of Transportation’s (DOT) Docket Operations Facility, 1200 New

Jersey Avenue, SE, W12-140, Washington, DC 20590. The Docket Operations Facility is open from 9 a.m. to 5 p.m., Monday through Friday, except Federal Holidays.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a new hearing. If any interested parties desire an opportunity for oral comment and a public hearing, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number and may be submitted by any of the following methods:

- Web site: <http://www.regulations.gov>. Follow the online instructions for submitting comments.
- Fax: 202-493-2251.
- Mail: Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue, SE, W12-140, Washington, DC 20590.
- Hand Delivery: 1200 New Jersey Avenue, SE, Room W12-140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

Communications received by [INSERT DATE 45 DAYS FROM PUBLICATION OF THIS NOTICE] will be considered by FRA before final action is taken. Comments received after that date will be considered if practicable.

Anyone can search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the

comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its processes. DOT posts these comments, without edit, including any personal information the commenter provides, to www.regulations.gov, as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at <https://www.transportation.gov/privacy>. See also <https://www.regulations.gov/privacyNotice> for the privacy notice of regulations.gov.

Robert C. Lauby,
Associate Administrator for Railroad Safety,
Chief Safety Officer.

[FR Doc. 2017-19687 Filed: 9/15/2017 8:45 am; Publication Date: 9/18/2017]